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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,524	01/04/2002	Minas Yerelian	G476	8855

7590 05/06/2003  
Richard W. Goldstein  
2071 Clove Road  
Staten Island, NY 10304

EXAMINER

MORAN, KATHERINE M

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/039,524

Applicant(s)

YERELIAN, MINAS

Examiner

Katherine M Moran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rear panel attached to the finger portion of claim 1 must be shown or the feature canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 5 is objected to because of the following informalities: line 2: insert --of-- after “plurality”.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Eichelbaum (U.S. 6,393,614). Eichelbaum '614 discloses the invention as claimed. Eichelbaum teaches a glove 100 for use while eating comprising a wrist portion 12, a palm portion 19, and five finger portions 16. The glove includes a first pocket 20 on the palm portion 19 and may also include additional pockets (col. 5, lines 31-33) as illustrated in the mitten of Figure 7. In this embodiment, the first pocket 30 serves as the rear panel with the second pocket 90 serving as the front panel and including a top opening extending across the finger portion and a bottom seam extending across the palm portion. The pocket is capable of accommodating a food item which is partially exposed at the top opening.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eichelbaum '614. Eichelbaum '614 discloses the invention substantially as claimed. However, Eichelbaum does not teach that the top opening of the pocket extends immediately below at least two of the finger tips. The specification does not disclose the criticality of locating the top opening of the pocket immediately below at least two of the finger tips. This is an obvious position because it would enable a user to easily access an object placed within the pocket. Figure 7 shows a top opening of pocket 30 positioned approximately below the uppermost finger portion 64. Therefore, it

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would have been obvious to one of ordinary skill in the art at the time of the invention to position the top opening of the pocket so that the opening is extending immediately below at least two of the finger tips because this would allow the user to easily manipulate an object placed within the pocket.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eichelbaum '614 in view of Vrissimdjis et al. (Vrissimdjis, U.S. 6,249,917). Eichelbaum '614 discloses the invention substantially as claimed. However, Eichelbaum does not teach a glove with a skirt extending laterally outward circumferentially around the wrist portion below the pocket. Vrissimdjis '917 teaches a glove with a skirt 2 extending laterally outward circumferentially around the wrist portion as shown in Figure 1. This skirt would prevent any debris from contacting the sleeve or torso of a wearer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the skirt of Eichelbaum with the skirt of Vrissimdjis to further protect the wearer from debris.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichelbaum '614 in view of Fazio (U.S. 4,938,515). Eichelbaum discloses the invention substantially as claimed, including the step of turning the glove inside out to envelope the pocket and the remaining item therein (col.4, lines 4-20). However, Eichelbaum does not teach an eating method including the step of donning the glove and placing the food item in the pocket, grasping the food item with the hand while it remains in the pocket, exposing a portion of the food item at the top opening, and eating a portion of the food item while the remainder of the food item remains in the pocket. Eichelbaum also does not teach that the food item would be held within the pocket after turning the glove inside out. Fazio '515 teaches a device 10 worn on

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the hand including a pocket for receiving a food item 30. Figure 3 shows that a portion of the food item is exposed with the remainder of the food item remaining in the pocket formed by sides 16, 20, while the user's hand is protected. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to don the glove of Eichelbaum and place a food item in the pocket, grasping the item with the hand while it remains in the pocket, exposing a portion of the food item at the top opening, and eating a portion of the food item while the remainder of the item remains in the pocket, because this allows the user to protect the hand while eating, while also gripping and protecting the food item. This would also ensure that the food item is sanitarily disposed of without spillage.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eichelbaum '614/Fazio '515 as applied to claim 5 above, and further in view of Vrissimdjis '917 as discussed above.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hermalin (U.S. 3,610,512), Bardes (U.S. 5,149,159), Beales (U.S. 5,518,169), Ragsdale (U.S. 5,878,438), and Iselin (U.S. 6,000,058) teach relevant prior art.

Any inquiry concerning this communication or earlier communications should be directed to Examiner Katherine Moran at (703) 305-0452. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (703) 305-1025. The official fax number for the

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organization where this application is assigned is (703) 872-9302. The after final fax number for this organization where this application is assigned is (703) 872-9303.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist at (703) 308-1148.

Kmm

April 28, 2003

A handwritten signature in black ink that reads "Katherine Moran". The signature is written in a cursive, flowing style.

Katherine Moran

Examiner, AU 3765